

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-644

Appellant(s): Roger Lemos

VZ.

Appellee(s): City/Town of Braintree
Michael McGourty

Procedural History

This matter came before the State Building Code Appeals Board (“Board”) on the Appellant’s appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 904.4, for the Ammonia Storage Tank Enclosure at 150 Potter Road, Braintree, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Russ Forsberg from the Braintree Building Department and Kenneth Stone were present as well.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 904.4, and allow the Ammonia Storage Tank Enclosure to be constructed without a sprinkler system, based on testimony that ammonia is non flammable and that the building foundation system was sized to contain 110% of the volume of the ammonia tank within it. Testimony indicated that if a sprinkler system is installed the building would have to be significantly larger. The motion requires that the Braintree Electric Light Department hire a consultant to develop a standard operating procedure (SOP) for emergency responders and provide this procedure to the Braintree Fire Department. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 904.4, is hereby granted and so ordered² on this date: October 2, 2008.

Douglas Semple is

Douglas Semple

Gary P. Morrell

Gary Moccia

Brian Maley

Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.